

*Tina Artemis*  
*SRC*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
1595 WYNKOOP STREET  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8ENF-LEP

CERTIFIED MAIL # 7005 0390 000 4847 8131  
RETURN RECEIPT REQUESTED

*1-12-1007*

Mani Grewal, Director  
Sandy Crossing Enterprises, Inc.  
P.O. Box 239  
Farson, Wyoming 82932

Re: Complaint and Notice of  
Opportunity for Hearing  
Docket No. SDWA-08-2007-0014

Dear Mr. Grewal:

Enclosed is an administrative "Complaint and Notice of Opportunity for Hearing" (complaint) filed against you under section 1414 of the Safe Drinking Water Act (SDWA), 42 U.S.C § 300g-3. The U.S. Environmental Protection Agency (EPA) alleges in the complaint that you failed to comply with Administrative Order, Docket No. SDWA-08-2003-0060, issued on September 29, 2003, under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g). The violation is specifically set out in the complaint.

The enclosed administrative complaint replaces the complaint dated December 18, 2006, which this office is withdrawing.

By law, you have the right to request a hearing regarding the matters set forth in the complaint. Please pay particular attention to those parts of the complaint entitled "Opportunity to Request a Hearing" and "Failure to File an Answer." If you do not file an answer to the enclosed complaint within 30 days of receipt, a default judgment may be entered and the proposed civil penalty may be assessed without further proceedings. Please note that the 30-day deadline begins upon your receipt of the enclosed complaint, not the December 18<sup>th</sup> one. If you file an answer over 30 days after receiving the December 18<sup>th</sup> complaint, but within 30 days of receiving the enclosed complaint, we would consider the answer timely.

In your answer you may request a hearing. You have the right to be represented by an attorney at any stage of these proceedings.

Whether or not you file an answer and/or request a hearing, you may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty. EPA

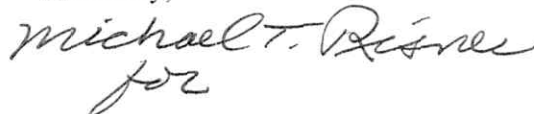
encourages all parties against whom it files a complaint proposing assessment of a penalty to pursue the possibilities of settlement through an informal conference. Any such settlement shall be finalized by the issuance of a final order by the Regional Judicial Officer, EPA Region 8. The issuance of a consent agreement shall constitute a waiver of your right to request a hearing on any matter to which you have stipulated therein.

A request for an informal conference does not extend the 30-day period during which you must submit a written answer and a request for a hearing. The informal conference procedure may be pursued as an alternative to, and simultaneously with, the adjudicatory hearing. Please note, however, that if you do not file an answer, EPA may be able to obtain a default judgment against you, even if you have conferred informally with EPA.

For any questions specific to the violations or penalty, the most knowledgeable people on my staff regarding this matter are Kathelene Brainich, Environmental Protection Specialist, who can be reached at 800/227-8917 extension 6481, or Peggy Livingston, Enforcement Attorney, who can be reached at 800/227-8917 extension 6858. Please note that although EPA Region 8 is moving to a new building this month, our telephone numbers will remain the same.

We urge your prompt attention to this matter.

Sincerely,

Handwritten signature of Michael T. Risner in cursive script, with the word "for" written below it.

Eddie A. Sierra  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure (1)

cc: WY DEQ (via email)  
WY DOH (via email)

2007 JAN 12 PM 3:53

) Docket No. SDWA-08-2007-0014

) COMPLAINT AND NOTICE OF  
 ) OPPORTUNITY FOR HEARING

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Suspension of Permits," 40 C.F.R. part 22 ("Consolidated Rules of Practice")(Complainant's Attachment 1).

### **GENERAL ALLEGATIONS**

The following general allegations apply to each count of this complaint:

1. Mani Grewal ("Respondent"), also known as Manmohan Grewal, is an individual and therefore a "person" as that term is defined in section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
2. The Respondent owns and/or operates a system, the Sandy Crossing Enterprises, Inc., system (the "System"), located in Sweetwater County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. It is therefore a "public water system" according to section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and a "community water system" according to section 1401(15) of the SDWA, 42 U.S.C. § 300f(15), and 40 C.F.R. § 141.2.
4. As owner and/or operator of a public water system, the Respondent is a "supplier of water" within the meaning of section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. The Respondent is therefore subject to the requirements of part B of the SDWA, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. part 141 (also known as the "National Primary Drinking Water Regulations" or "NPDWRs").

5. The source of the System's water is three wells. The System serves an average of 80 persons daily through 75 service connections year-round.
6. On September 29, 2003, EPA issued an Administrative Order (the "2003 Order") (Docket No. SDWA-08-2003-0070) to the Respondent pursuant to section 1414(g)(1) of the SDWA, 42 U.S.C. § 300g-3(g)(1), citing violations of the NPDWRs, including requirements to monitor for nitrate and total coliform bacteria, and to notify EPA and the public of these violations. A copy of the 2003 Order is attached to this complaint and incorporated herein (Complainant's Attachment 2).
7. The Respondent is a director of Sandy Crossing Enterprises, Inc., which was named as a respondent in two EPA Administrative Orders citing additional violations of the NPDWRs: Docket No. SDWA-08-2004-0049 (the "2004 Order") and Docket No. SDWA-08-2005-0013 (the "2005 Order").
8. On August 31, 2005, EPA issued a Complaint and Notice of Opportunity for Hearing (the "2005 Complaint") to the Respondent and to Sandy Crossing Enterprises, Inc., instituting an administrative penalty action pursuant to section 1414(g)(3) of the SDWA, 42 U.S.C. § 300g-3(g)(3). The 2005 Complaint alleged that (1) the Respondent had violated the 2003 Order's requirements to notify the public and EPA of NPDWR violations and (2) Sandy Crossing Enterprises, Inc. had violated the 2004 Order's requirement to monitor for lead and copper contamination in the System. EPA, the Respondent, and Sandy Crossing

Enterprises, Inc. settled the administrative penalty action arising from the 2005 Complaint, as documented by a Final Order signed November 15, 2005, by Region 8's Regional Judicial Officer.

### **SPECIFIC ALLEGATIONS**

#### **Count I Failure to Monitor for Nitrate**

8. According to 40 C.F.R. § 141.23(d), community public water systems are required to monitor their water at least annually to determine compliance with the Maximum Contaminant Level ("MCL") established for nitrate pursuant to 40 C.F.R. § 141.62.
9. Page 5 of the 2003 Order, in paragraph 1 of the "Order" section, required Respondent to comply with the nitrate monitoring requirements of 40 C.F.R. § 141.23(d).
10. Respondent failed to monitor the System's water for nitrate in 2005, in violation of the 2003 Order.

### **PROPOSED ADMINISTRATIVE CIVIL PENALTY**

Section 1414(g)(3) of the SDWA, 42 U.S.C. § 300g-3(g)(3), authorizes the Administrator to assess an administrative civil penalty of up to \$27,500<sup>1</sup> for violation of an administrative order issued under section 1414(g)(1) of the SDWA. The proposed penalty has been determined in accordance with section 1414 of the SDWA, 42 U.S.C. § 300g-3. For purposes of calculating a

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<sup>1</sup>The original statutory amount of \$25,000 has been adjusted for inflation pursuant to 40 C.F.R. part 19.

rational and consistent penalty proposed to be assessed, EPA has taken into account the seriousness of the violation, the population at risk, and other appropriate factors, including Respondent's degree of willfulness and/or negligence, history of noncompliance, if any, and ability to pay, as known to EPA at this time. Based on the above factors, EPA proposes to assess an administrative civil penalty of \$1,200.00 against the Respondent for his violations of the 2003 Order.

#### **OPPORTUNITY TO REQUEST A HEARING**

As provided in section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), the Respondent has the right to request a public hearing on any material fact alleged in this complaint or on the appropriateness of the proposed penalty or to assert that he is entitled to judgment as a matter of law.

If the Respondent wishes to request a hearing, he must file a written answer in accordance with 40 C.F.R. §§ 22.15 and 22.42 within thirty (30) calendar days after this complaint is served. If this complaint is served by mail, Respondent has an additional five (5) calendar days, pursuant to 40 C.F.R. § 22.7(c).

If the Respondent's answer requests a hearing, the procedures provided in 40 C.F.R. part 22, subpart I, will apply to the proceedings, and the Regional Judicial Officer will preside. However, the Respondent has the right under the SDWA to elect a hearing on the record in accordance with section 554 of the Administrative Procedure Act, 5 U.S.C. §§ 551, et seq. ("APA"). To exercise this right, the answer for the Respondent must include a specific request for a hearing on the record in accordance with 5 U.S.C. § 554. Upon such request, the Regional Hearing Clerk will recaption the pleadings and documents in the record as necessary. (See 40

C.F.R. § 22.42.) Pursuant to such a request, subpart I will not apply to the proceedings and an Administrative Law Judge from Washington, D.C., will preside.

Any answer must be in writing. An original and one copy of the answer must be sent to the attorney listed below and the EPA Regional Hearing Clerk at the following address:

Tina Artemis  
Region 8 Hearing Clerk (8RC)  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202-1129

#### **FAILURE TO FILE AN ANSWER**

To avoid entry of a default order against the Respondent pursuant to 40 C.F.R. § 22.17 for the full amount of the penalty proposed in this complaint, the Respondent must file a written answer with the Regional Hearing Clerk at the address above within thirty (30) days of receipt of this complaint. The answer should clearly and directly admit, deny, or explain each of the factual allegations contained in this complaint with regard to which the Respondent has any knowledge. The answer should state (1) the circumstances or arguments which are alleged to constitute grounds of defense, (2) a concise statement of the facts which the Respondent intends to place at issue in the hearing, and (3) whether a hearing is requested. Failure to admit, deny, or explain any material factual allegation contained in this complaint shall constitute an admission of the allegation.

#### **SETTLEMENT CONFERENCE**

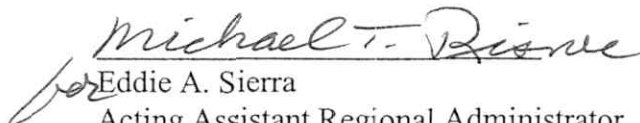
EPA encourages the exploration of settlement possibilities through an informal settlement conference. Please note that a request for, scheduling of, or participation, in a settlement conference does not extend the period for filing an answer and request for hearing as set out

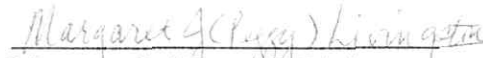


above. The settlement process, however, may be pursued simultaneously with the administrative litigation procedures found in 40 C.F.R. part 22. If a settlement can be reached, its terms shall be expressed in a written consent agreement, signed by the parties and incorporated into a final order signed by the Presiding Officer. A request for a settlement conference, or any questions that Respondent may have regarding this complaint, should be directed to the attorney named below.

Dated this 2<sup>th</sup> day of January, 2007.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, REGION 8  
Complainant

  
for Eddie A. Sierra  
Acting Assistant Regional Administrator  
Office of Enforcement, Compliance  
and Environmental Justice

  
Margaret J. ("Peggy") Livingston  
Enforcement Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice  
U.S. EPA Region 8  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466  
Telephone Number: (303) 312-6858  
Facsimile Number: (303) 312-6953

**IN THE MATTER OF: MANI GREWAL**  
**DOCKET NUMBER: DOCKET No. SDWA-08-2007-0014**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the original and one true and correct copy of the COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING with all Attachments was hand-carried to the Regional Hearing Clerk:

Tina Artemis, Region 8 Hearing Clerk  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, Colorado 80202-1129

And that a true copy of the same was sent via CERTIFIED MAIL/RETURN RECEIPT REQUESTED to:

Mani Grewal  
Sandy Crossing Enterprises, Inc.  
POB 239  
Farson, WY 82932

Date: January 11, 2006

By: Dayle De Arvil  
Dayle De Arvil